

11-17-06

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on November 17, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: Shervonne Barnes-Adair

**PATENT**  
Attorney Docket No.: 02307O-090740US  
Client Reference No.: 99-048-3

*JFW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Robert L. FISCHER and Yukiko  
MIZUKAMI

Application No.: 10/623,477

Filed: July 18, 2003

For: METHODS FOR ALTERING  
ORGAN MASS, CONTROLLING  
FERTILITY AND ENHANCING  
ASEXUAL REPRODUCTION IN  
PLANTS

Customer No.: 20350

Confirmation No.: 4550

Examiner: Cynthia E. Collins

Art Unit: 1638

**RECEIVED**

DEC 22 2006

OFFICE OF PETITIONS  
NOTIFICATION OF ERROR IN  
SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENCY OWED  
UNDER 37 CFR §1.28(c)

November 16, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on July 18, 2003 originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

**ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED**

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
1/22/04	Basic filing fee	\$385.00	\$790.00	\$405.00
1/22/04	Surcharge for late filing	\$65.00	\$130.00	\$65.00
1/22/04	One-month extension of time	\$55.00	\$120.00	\$65.00
1/22/04	102 total claims (82 in excess of 20)	\$738.00	\$4,100.00	\$3,362.00
1/22/04	5 independent claims (2 in excess of 3)	\$86.00	\$400.00	\$314.00
1/22/04	Multiple dependent claims surcharge	\$145.00	\$360.00	\$215.00
2/3/06	Two-month extension of time	\$225.00	\$450.00	\$225.00

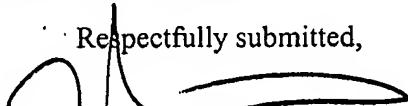
**TOTAL DEFICIENCY OWED: \$4,651.00**

Applicants hereby authorize the Commissioner to deduct the total fees of \$4,651.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate of this sheet is enclosed.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415.576.0200.

Respectfully submitted,

  
Matthew E. Hinsch  
Reg. No. 47,651

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415 576-0300  
MEH:sba  
60917590 v1